

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

KEITH E. BERRY,

Plaintiff,

v.

STATE OF WASHINGTON, et al.,

Defendants.

CASE NO. C10-5078BHS/JRC

ORDER DENYING PLAINTIFF'S  
MOTION TO COMPEL DISCOVERY

This 42 U.S.C. § 1983 civil rights action has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judges' Rules MJR 1, MJR 3, and MJR 4.

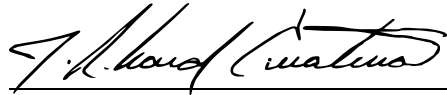
The matter is before the court on plaintiff's motion to compel discovery (ECF No. 31). Defendants have responded and argue the motion should be denied because the discovery was submitted several months after the discovery cut-off date, and because the parties have not conferred prior to the filing of this motion as required by Local Rule 37 (ECF No. 34).

//

//

1 Both of the grounds for denial submitted by defendants are well taken. The motion to  
2 compel is DENIED.

3 DATED this 7<sup>th</sup> day of January, 2011.  
4

5 

6 J. Richard Creatura  
7 United States Magistrate Judge  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26